



1645

Patent  
Attorney's Docket No. 010830-116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
 )  
Claudine GUERIN-MARCHAND et al. ) Group Art Unit: 1645  
 )  
Application No.: 09/837,344 ) Examiner: Patricia Ann Duffy  
 )  
Filed: April 19, 2001 ) Confirmation No.: 2865  
 )  
For: PEPTIDE SEQUENCES SPECIFIC FOR )  
THE HEPATIC STAGE OF P. )  
FALCIPARUM BEARING EPITOPES )  
CAPABLE OF STIMULATING THE T )  
LYMPHOCYTES )

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TECH CENTER 1600/2900

**REPLY TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a Reply to Restriction and Election of Species Requirements for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is \_\_\_\_\_.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_, on \_\_, for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

☒ No additional claim fee is required.

☐ An additional claim fee is required, and is calculated as shown below:

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AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	12	MINUS 20 =	-0-	× \$18.00 (1202) =	-0-
Independent Claims	3	MINUS 3 =	-0-	× \$84.00 (1201) =	-0-
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					-0-

☐ A total fee in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 24, 2003

By: Susan M. Dadio

Susan M. Dadio  
Registration No. 40,373

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
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**REPLY TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action mailed on June 24, 2003, requiring restriction pursuant to 35 U.S.C. § 121, Applicants offer the following reply.

Applicants hereby elect, with traverse, to prosecute the invention of Group II, claims 31-38, drawn to polypeptides.

As provided in section 803 of the Manual of Patent Examining Procedure ("M.P.E.P."), there are two criteria for a proper requirement for restriction: (1) that inventions must be independent or distinct; and (2) there must be a serious burden on the Examiner if restriction is required. In this case, the restriction requirement is improper because at least the search and examination of all of the pending claims can be made

without serious burden. This is particularly so in light of the clearly close relationship between the subject matter of Groups I and II.


In any event, Applicants reserve the right to rejoin the claims of Group I, drawn to a process of using the elected polypeptides of Group II, at such time when the elected polypeptide claims of Group II are found allowable. *See* M.P.E.P. § 821.04.

With regard to the election of species requirement, Applicants hereby elect, with traverse, SEQ ID NO: 41. Applicants believe that the claims based on SEQ ID NO: 41 should be considered together with those claims based on SEQ ID NO: 45. As can be seen from the sequence listing of the present application, the amino acid sequences of SEQ ID NO: 41 and SEQ ID NO: 45 differ only in position 277.

In the event that there are any questions relating to this Reply to Restriction and Election of Species Requirements or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of the application may be expedited.

Respectfully submitted,

Burns, Doane, Swecker & Mathis, L.L.P.

By:   
Susan M. Dadio  
Registration No. 40,373

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Alexandria, Virginia 22313-1404  
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Date: July 24, 2003